

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MARK M. MORNING,

Plaintiff,

v.

ANDREW SAUL, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

CV 21-23-M-DWM

ORDER

Pursuant to the parties' stipulation (Doc. 15), IT IS ORDERED that:

(1) The above-captioned case is REVERSED and REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

(2) On remand, the Appeals Council shall direct that the case be reassigned to another Administrative Law Judge and direct that Administrative Law Judge to:

(a) Reevaluate the claimant's subjective complaints, in compliance with prior remand orders:

(b) Reevaluate the claimant's lifting and carrying restrictions, considering the entire record;

(c) Reassess the claimant's residual functional capacity;


(d) As needed, obtain vocational expert advice to determine

whether the claimant acquired transferable skills from past relevant work and whether there are jobs in significant number to which they would transfer, or whether there were jobs the claimant could still do through the date last insured;

(e) Further develop the record and issue a new decision regarding claimant's disability through the date last insured.

(3) Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney fees under 28 U.S.C. § 2412(d).

DATED this 25th day of October, 2021.


Donald W. Molloy, District Judge
United States District Court
10:40 A.M.